

From: [Wawczak, Renee](#)
To: [Wagner, Anna](#)
Subject: FW: Update on 300 S. Barclay / 139 E. Oregon
Date: Wednesday, September 15, 2021 11:18:17 AM

Renee Wawczak, P.G.
P: 312.886.0749

From: Decker, Kail J. <kdecke@milwaukee.gov>
Sent: Wednesday, November 28, 2018 3:44 PM
To: Michael Maistelman (msm@maistelmanlaw.com) (msm@maistelmanlaw.com)
<msm@maistelmanlaw.com>
Subject: Update on 300 S. Barclay / 139 E. Oregon

First, you are receiving this as a blind copy to prevent a reply-to-all calamity.
However, so you know, here is who was blind copied in this email (please forward to any pertinent individuals in your organization who were not included):

Renee Wawczak (wawczak.renee@epa.gov);
Thiboldeaux, Robert L - DHS (Robert.Thiboldeaux@dhs.wisconsin.gov);
(Nancy.Ryan@wisconsin.gov);
(Darsi.Foss@wisconsin.gov);
Ales, Stephen M - DNR <Stephen.Ales@wisconsin.gov>;
(Pamela.Mylotta@wisconsin.gov);
Schmidt, Lindor <LESCHMI@milwaukee.gov>;
gsherman@sherman-associates.com;
rkiemen@sherman-associates.com;
rstiteley@sherman-associates.com;
Kraco, Chris <ckraco@milwaukee.gov>;
Goodman, Anthony <AGOODM@milwaukee.gov>;
Misky, David (dmisky@milwaukee.gov);
Reimer, Mathew <Mathew.Reimer@milwaukee.gov>

Second, I had a conference call with several representatives from Sherman today regarding this project. In that discussion, I explained how the encapsulation method that was presented is not acceptable due to a lack of any track record of successful use in similar projects and practical concerns about its long-term viability in a multi-family residential building. None of the government experts were able to approve the encapsulation method, so that method cannot be approved by the City.

From the City's perspective, that leaves two options for Sherman:

1. Raze the building in an environmentally appropriate way. This is the only real way to remediate the hazard with any level of finality. Any method that leaves the contaminants in place simply delays remediation to a later date. I acknowledge that asbestos is frequently concealed (rather than removed). Despite that being an accepted way of handling asbestos, that method still simply delays complete remediation for a subsequent owner. Removal of the

contaminant is the only certain way to prevent a release of contaminants in the future.

2. Develop a new method of creating a structural way to protect the public from contaminants. One idea was to build a wall in front of the contaminated concrete block. I recall this topic coming up, but did not recall the reaction from the technical experts for the DNR/EPA/City. The testing procedure to determine which buildings would require protective methods is also an issue to address.

Given that I have not yet heard Sherman express interest in the first option, that leaves the second option for discussion. Sherman understandably expressed a need for prompt answers to other questions. Therefore, I am hopeful that the technical experts in the EPA, DNR, Milw. Health, or Milw. DNS are able to address their questions:

1. Is the secondary wall method that was discussed at the meeting in late summer an acceptable way to prevent future release of contaminants?
2. If so, are the testing protocols described in Sherman's submission sufficient to determine whether the selected protective method is required in a particular area of the building?
3. Would a use other than residential change the testing standards and allowable contamination limits?

I represent the City in this matter, but I am acting as a facilitator right now for the purpose of working toward resolution. If EPA/DNR/City Health/City DNS could formulate a response to those questions and send that response to everyone, I think that would be a helpful way to move things along.

In summary:

- The encapsulation method is not acceptable
- Sherman needs to know if its alternative method is acceptable and if its testing protocols are acceptable
- There is a question about whether a different use would change the standards for approval
- A timely resolution of these questions would benefit everyone

Kail Decker | Assistant City Attorney

Milwaukee City Attorney's Office | 200 E. Wells St. | Milwaukee, WI 53202

Main: 414.286.2601 | Direct: 414.286.6193 | Fax: 414.286.8550

kdecke@milwaukee.gov

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